

Committee on Resources

Subcommittee on Forests & Forest Health

Witness Statement

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The common stream running through my testimony is consideration of the care and enhancement of our watershed. The single greatest economic value derived from the Sierra Nevada is water: Water that is vital to the California economy and to the lives of all downstream users. Basing the protection of our National Forest lands on environmental values assures the health of the watershed land and, in turn, makes economic sense for water users. **The greatest potential we have in effecting the watershed is through our stewardship of public lands.** Through careful planning for multiple-use, sustained yield of our national forests⁽¹⁾, we can leave a legacy of intelligent, conscientious use of the land for future generations, and work toward a secure, safe water supply to provide for agriculture and the exponential populace of California.⁽²⁾

Polarization amongst elected officials will not serve the citizens of this great country. Extremism went out with the 90's. Our citizens have such a dearth of common ground: It is puzzling that so few dare to stand firmly on it and use it as the basis to promote what is ultimately the goal of all. I, as a 40 year resident of Tuolumne County with my roots in the Sierra Nevada, am here to promote issues and answers found on that common ground and to ask Congress to produce public policy and financing to strengthen our heritage and legacy for the future of our National Forests. These are the people's lands, emblems of our democratic traditions.

Forest Fuel Management

We now understand that the decades old policy of fire suppression has become one of the greatest threats to forest lands, public and private. Fire suppression has allowed dense undergrowth and "ladder fuels" to flourish which have lead to the conflagrations that make national news headlines. A fire in areas with build-up of flashy fuels burns with extreme intensity and takes literally everything with it. One good rainstorm and the damage to our watershed is readily evident. With no vegetation to hold it in place, soil runs off into stream beds, erosion is intense and irreparable. The rapid runoff fills stream beds with sediment leading to flooding, and the natural water table is not allowed to percolate and be restored.

The ancient Maya of Meso America deforested large areas by burning trees in the production of the lime that they utilized in their aggressive building program which turned rich forested lands into dry and barren desserts. Their environment was altered to the extent that an immense drought forced the exodus of the great populations. We must learn from these cautionary tales from the past.

Conflagrations effect **economics**: Timber harvest, recreation, the cost of suppression, and land value, both public and private. Conflagrations effect **environment**: Air quality, habitat, watershed and, again, human habitat, both private and public. In the past, Congress has been forced to essentially help in a reactive way by providing federal dollars to fight fires, clean up, restoration and replanting of timber. Our tax dollars would be better spent in a proactive manner. Let me tell you how.

Historically, prior to suppression efforts, lightening fires burned the low grasses and shrubs on the average of once every 12 years.⁽³⁾ The Miwok Indians, learning from nature, used fire as a resource management. Burning the low ground cover leaves the tall timber unharmed and ultimately leaves areas with a park like setting. Now, the Forest Service realizes that fire is an excellent tool and are to be commended for their use of prescribed burns in the Stanislaus National Forest. But there is more we can be doing.

Last year in Tuolumne County, two prominent leaders, one from the timber industry and one from the conservation community, presented the Forest Service with a joint, common message. The message was, "It's time for the Forest Service to sell and remove far greater quantities of small tree biomass materials." Both the timber industry and local environmentalists agreed that cutting large amounts of small incense cedars and white firs reduced fire risk and produced wood chips and small logs, providing timber jobs and benefitting the environment.

There is, however, a problem with this solution. It is not economically feasible for our local logging companies to buy the small trees, cut them, move them to trucks, and either transport the small logs to sawmills or chip them and transport the chips to the biomass co-generation plant. In plain talk, it's just not profitable. This is where Congress can play the key role in a common ground scenario where there is strong, broad support for a non-controversial treatment. Congressman Doolittle's special legislation to exchange goods for services is a step in the right direction. By providing more dollars to help pay for the removal of the smaller trees and shrubs that help create the fuel ladder, the Conservation Framework Plan becomes economically feasible. This is a win-win solution. By removing biomass material now with taxpayers' assistance, and by following up with prescribed burning, taxpayers will pay less for wildfire suppression and the value of the watershed is enhanced.

Biomass to Ethanol

As mentioned before, removing biomass material from the forest by rail or truck and shipping it to co-generation plants provides jobs for loggers, truck drivers and equipment operators. But there's another use for that biomass: The manufacturing of ethanol. California is reeling from the poor decision to put MTBE in our gasoline to clean up the air. It has polluted our waterways and now must be removed from our gasoline. Enter ethanol as the viable replacement and enter our National Forests for the renewable resource: The biomass that can create a high quality ethanol.

As a county supervisor, I know first hand that we do not have the financial resources available to affect this change. We need subsidies and tax incentives to build ethanol plants. We need subsidies and tax incentives to get the biomass product from the forest to the ethanol and co-generation plants. ⁽⁴⁾ These two steps, removing biomass and then using it for either co-generation or ethanol, makes for both excellent use AND care of our natural resource: Reduced air emissions, reduced burning in situ, and living trees to cleanse the air will improve our air quality. Water quality is improved by protection of the watershed and the forests; and, economic development as previously mentioned.

Roadless Areas

Critics have claimed that the Forest Service's new goal of protecting the forests for future generations is an attempt to "lock up the forest" and "keep the public from using their forest lands." Already during the Conservation Framework meetings, the Forest Service has been lambasted for any proposal to reduce roads or deny new road building in currently unprotected, roadless wild places. The reality is that the National Forests are already heavily utilized by every possible kind of use. Nationally, an estimated 1.7 million vehicles associated with recreation activities travel forest roads each day, over 10 times more than in 1950. ⁽⁵⁾

There are 25,000 miles of inventoried roads in the Sierra Nevada's national forests. Here, according to the Forest Plan, on the local Stanislaus Forest alone, there are over 3,300 miles of inventoried roads. Forest officials estimate there are a least 400 miles of additional, non-inventoried roads, bringing the total to at least 3,700 miles of currently existing roads. The Conservation Framework team has described alternatives for managing the 25,000 miles, five of which would allow for up to one percent reduction of roads in the next ten years. Obviously, no one is going to be turned away from the National Forests because there aren't enough roads.

However, there IS a backlog of road maintenance. The Forest Service estimates an \$8.4 million backlog. It only makes sense that the Conservation Framework team avoid new road construction when the agency cannot even begin to keep up with the costs associated with existing roads. The construction of a road is one of the most permanent marks the Forest Service can leave on the landscape. Some of those impacts include: Increased frequency of flooding and landslides; increased sedimentation and associated reductions in fish habitat; habitat fragmentation; increased frequency of person-caused fires; and invasion of exotic species. The emphasis should be on existing roads as they are the ones essential for public use.

The common ground that we can all stand on here is that there are more roads than dollars. The Forest Service should maintain the arterial roads, repair collector roads, and close the least needed and most damaging roads. By not building new roads in currently roadless areas, the Forest Service will prevent money-losing road construction costs, prevent watershed damage, and avoid creation of even more road maintenance expense.

Payment in Lieu of Taxes (PILT)

Every issue surrounding PILT is complex. It would be in the form of a miracle if Congress were to enact a simple, clear formula that stabilized funding with an equitable distribution mechanism. The acreage of Federal land in Tuolumne County is relatively stable (barring Pacific plate uplift or a radical earthquake), at 1,098,908 acres. ⁽⁶⁾ The acreage is stable: The funding is not. Since 1993-1994, the Forest Receipt Payments have been in a precipitous decline. ⁽⁷⁾ These declining funds have resulted in degenerating road infrastructure and instability in school funding.

Our common ground is the need for stable funding and the suggested approach would be to take the average of the highest three years of payments, allow for CPI and make that into a stable yearly Forest Receipt allotment. How does this effect PILT? The Section 6902 payments are computed using the higher of the following two alternatives:

- 1) \$1.65 (in fiscal year 1999) times the number of acres of qualified Federal land in the county, reduced by the amount of funds received by the county in the prior fiscal year under certain other Federal programs; or
- 2) \$0.22 (in fiscal year 1999) times the number of acres of qualified Federal land in the county, with no reduction for prior-year payments. ⁽⁸⁾

In the envisioned miraculous act of Congress, the actual PILT payments would be based on the formulas established in the Act as stated in Public Law 97-258 (codified at Chapter 69 of Title 31 of the United States Code). In fact, we only receive the amount appropriated by Congress each year, which falls far short of the formula established in the Act. In 1999, under the current formula, the total US payments would total approximately \$303 million. However, payments were limited to the \$125 million appropriation enacted for 1999. Therefore the calculated amounts are reduced by approximately 59% across-the-board to conform to the appropriation. ⁽⁹⁾ In other words, we received 41 cents on the dollar. **In a simple request, I ask that Congress follow the Act. Please fully fund the \$303 million. Please appropriate the full amount.**

For Tuolumne County, the land mass in question is stable, but the cost imposing items continue to escalate as our National Forest usage increases. Some of these items include search and rescue, judicial, legal and law enforcement, correctional facilities, road maintenance and construction, fire protection and control, animal control, sewage and solid waste, public welfare, water supply, health services and hazardous waste.

In summary, regarding PILT and Forest Receipts, Tuolumne County is in essence the gateway and good steward to public lands that belong to our nation's citizens. The cost of maintenance is rising while the value of these lands to our nation is escalating. Federal lands will need to anchor regional and national conservation strategies for species and ecosystems so other landowners can continue production of products and services without undue restriction. Finally, as stated earlier, the value of water is that of a treasured National Resource, and the investment that Congress makes in our county is nominal. **To Congress: Fully fund PILT and stabilize the Forest Receipt Payments.**

We need to take off the monocle and stop examining one problem in a vacuum to the exclusion of all else. We need to replace the monologues with dialogues. We need to consider the sustainability, connectivity, and common ground essential to meeting the needs of a larger community and country. The National Forests belong to ALL Americans, not just local residents. Sustainability means meeting the needs of the present generation without compromising the ability of future generations to meet their needs. Decisions made with present and future generations of Americans in mind usually give greater balance to recreation, watershed values and other resource values, along with economic needs.

1. This objective is embodied in the goal at §219.2(b)(1). Federal Register/Vol. 64, No. 192.
2. As early as 1897, Congress directed that national forests would be established to improve and protect forests...or for the purpose of securing favorable conditions of water flows.... *Ibid*.
3. Fire Safe Council.
4. Rail transport must be considered in any plan.
5. USDA Forest Service Transportation Policy Web site:

<http://www.fs.fed.us/news/roads/factsheet.htm>
6. Acreage figure derived from the following lands with Tuolumne County: Yosemite National Park, 435,847 acres; Stanislaus National Forest, 605,803 acres; Bureau of Land Management, 47,352; and Bureau of Reclamation, 9,906 acres.
7. Tuolumne County 1993/94, \$1,438,622; 1998/99, \$375,629; and 1999/00 estimated \$238,700.
8. Information derived from BLM PILT notice updated January 12, 2000;

http://www.blm.gov/nhp/what/pilt/index_html
9. BLM PILT notice.

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